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Fresno, California

August 29, 2002

The City Council met in regular adjourned session at the hour of 10:00 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

RECONSIDER MEETING ON SEPTEMBER 10, 2002 - COUNCILMEMBER DUNCAN

Councilmember Duncan noted a decision was at the end of the August 27th meeting to meet on September 10th, advised he did not vote on the issue as he had just recused himself from the sign ordinance issue, and made a motion to rescind the 8/27/02 decision to meet on September 10, 2002, which motion was seconded by Councilmember Ronquillo.

Brief discussion ensued on what the vote was, if there was enough business for at least a ½ day meeting on the 10th, City Manager Hobbs recommending Council look at changing the October 1st meeting due to the conflicting League of California Cities conference, Councilmember Ronquillo stating he has always been an advocate of having meetings twice a month instead of four and added if Council did their due diligence and contacted staff and studied issues beforehand meetings could proceed much quicker, Councilmember Calhoun stating business was heavy and it made no sense to take time off in September, and Councilmember Quintero questioning if any time sensitive issues necessitated meeting on September 10th, with City Clerk Klisch responding to questions.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the decision to meet on September 10, 2002, hereby rescinded, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Ronquillo
Noes	:	Calhoun, Castillo, Perea
Absent	:	None

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(10:00 A.M.) HEARING TO CONSIDER RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF EASEMENTS ON TWO PROPERTIES (APN 312-010-38 AND 312-430-01) FOR CONSTRUCTION OF W. FLORADORA AND N. POLK AVENUES, LOCATED IN DISTRICT 3

1. * RESOLUTION NO. 2002-284 - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF THE TWO EASEMENTS FOR THE CONSTRUCTION OF PORTIONS OF W. FLORADORA AND N. POLK AVENUES AS A DEVELOPMENT REQUIREMENT OF UGM TRACT NO. 5051
(CONTINUED FROM AUGUST 27, 2002)

President Perea announced the time had arrived to consider the issue and opened the hearing, and questioned if the noticing requirements had been met, with City Attorney Montoy stating they had.

Senior Real Estate Agent Hansen reviewed the issue as contained in the staff report as submitted, advised there were substantial differences with purchase prices which may possibly necessitate a Court decision, and advised of the findings to be made.

David Simonian, 5529 W. McKinley, involved property owner, spoke in opposition to the resolution stating the findings could not be made and there was no justification shown in the staff report, displayed a map to illustrate issues, questioned why the acquisitions were being done piecemeal, and requested, if the resolution is approved, that no action be taken by staff until after October 10th, with Transportation Manager Madewell and Mr. Hansen clarifying issues and/or responding to questions, including some from Acting President Castillo relative to access and the 1/4-mile point.

Barbara Hunt, 2475 S. Walnut, spoke in opposition and to various issues.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Discussion ensued with City Attorney Montoy, Mr. Madewell, Mr. Hansen, Mr. Simonian and Supervising Real Estate Agent Balch responding to questions of Councilmembers Boyajian and Duncan relative to whether the City was involved because this was a public project, if city staff, and not the developer, set the right-of-way requirements, conducted studies and made requirements, who pays court costs, the findings and how the project was for the public good and necessity, what the City's offer was based on, what Mr. Simonian's counter-offer was based on, if Mr. Simonian's appraisals were submitted to the City, the eminent domain process and what the purchase offer requirements were, and if staff reviewed Mr. Simonian's appraisals. Councilmember Duncan stated proper procedure was followed and the offers were fair, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after additional discussion.

Mr. Simonian spoke to the vehicle trip numbers presented by Mr. Madewell; Councilmember Ronquillo spoke in support of staff's recommendation; and Ms. Montoy and Mr. Madewell responded to questions of Acting President Castillo and Councilmember Boyajian relative to whether negotiations could continue if the resolution is approved, if Mr. Simonian's appraisal would be taken into consideration at court, and the nearby McKinley School and if developers were now paying for traffic signals.

President Perea noted all documents from the August 27th were carried over to this date, and advised a document from Emerich & Fike was received this date and entered it into the record, along with memorandum dated August 29, 2002, from the City Manager and Interim Public Works Director responding to questions raised by Mr. Simonian.

above entitled Resolution No. 2002-284 stating that the public use and necessity require construction of a portion of W. Floradora, west of the N. Polk Alignment, and a portion of N. Polk north of W. Olive Avenue, and that the acquisition of easements on APN's 312-101-38 and 312-430-01 are necessary for the project hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECESS - 10:50 A.M. - 11:00 A.M.

CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: ONE POTENTIAL CASE, CAME NAME UNSPECIFIED. DISCLOSURE OF TITLE WOULD JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. BLACKSTONE VENTURE I, BLACKSTONE VENTURE II, RIVER PARK PROPERTIES, RIVER PARK PROPERTIES II, RIVER PARK PROPERTIES III, RIVER PARK PROPERTIES IV, PARK 41, AND BOMBAY CORPORATION V. CITY OF FRESNO
2. CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS
3. KEVIN HAM V. CITY OF FRESNO CIVIL SERVICE BOARD, ET AL.
4. MICHAEL J. RHODES, ET AL. V. CITY OF FRESNO, ET AL.

(D) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW)

The City Council met in closed session in Room 2125 at the hour of 11:00 a.m. to consider the above matters and adjourned thereafter.

(C) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - COUNCILMEMBER CALHOUN

1. CITY ATTORNEY
2. CITY CLERK

Not held.

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There being no further business to bring before the Council, the hour of 1:00 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 17th day of September, 2002.

_____ ATTEST: _____	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk